

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C.

In the Matter of)

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A National Broadband Plan for Our Future) GN Docket No. 09-51

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COMMENTS OF RIDGEVIEWTEL

RidgeviewTel respectfully submits its comments in response to the Federal Communications Commission's ("FCC's" or "Commission's") request for information regarding the development of a national broadband plan for our country. Given the enormous breadth of the subjects in the Notice of Inquiry ("NOI") we have chosen to focus our comments on what RidgeviewTel has identified as the most critical areas. For ease of reference our comments are numbered according to the paragraph numbering in the NOI.

However, as a preliminary matter we feel compelled to point out that we are now nearly five months out from the day the President signed the American Recovery and Reinvestment Act ("ARRA") into law on February 16, 2009 and neither the NTIA nor RUS have published application definitions or criteria. As a result of this delay, many private sector companies and governmental agencies have put planned broadband projects on hold in anticipation that the Broadband Technology Opportunity Program ("BTOP") funds included within ARRA would be available and could be used to leverage and augment previously planned projects. Unfortunately, due to the length of this delay in issuing application procedures, we believe the BTOP has effectively become more of an "anti-stimulus" program than a stimulus. In fact, we have witnessed this delay first hand, with multiple projects that had been anticipated to start in either the first, second, or even third quarter of this year having been pushed back.

Although this delay has been very frustrating for RidgeviewTel, we would request that while the FCC seeks input on a national broadband plan, the Commission should in no way discourage the NTIA and RUS from proceeding with BTOP grants as soon as possible, as others are suggesting. For example, an article in the June 3rd edition of the Wall Street Journal stated, "Before the Federal government spends more than \$7 billion on broadband development, it wants maps showing where the money should go." We believe there are a number of worthy projects, including several we intend to submit, for areas where maps are not required, and to further delay the BTOP while awaiting completion of any map will only further stall critical projects and cause further job loss in the telecom sector.

I. Defining Broadband Capability (Section § III (B) (1) (¶¶ 15-22))

In order to properly define "Broadband," the Commission should not solely rely on a speed calculation but should instead take into account all three of the critical components of true broadband capability, namely, speed, performance and affordability.

RidgeviewTel suggests that the minimum speed in 2009 should be 1Mb download and 512 upload. This should be a dynamic definition and reviewed annually. Current wireless 16.d networks (of which we have several) can achieve these speeds if the network is performing well. "WiMax" (16.e networks) will achieve higher throughputs.

The performance of the networks must be included in the definition, because from the consumer's perspective, performance is an integral component of being able to receive true broadband. For example, while cellular operators of 3G networks advertise certain speeds, the Commission needs to examine whether such advertised speeds are actually achieved and deliverable to the consumer during prime time usage periods. RidgeviewTel would argue that networks with prime time speeds of less than 1MB download do not deliver true broadband capabilities to their customers, and thus should not be categorized as "broadband" networks.

Finally, the FCC should also take into account the cost to the consumer to utilize the broadband service, and in doing so should consider setting a maximum allowable price for a 1MB broadband service. For example, RidgeviewTel suggests that a \$65 per month "up to 1MB" download service is not an "affordable" broadband service. Furthermore, when calculating the true cost of these services, RidgeviewTel would urge the Commission to also take into

account installation and equipment fees necessary for the reception of such services. These fees, which sometimes run into the hundreds or thousands of dollars, are common in rural areas and are cost prohibitive to most consumers. If a broadband service with a high monthly service charge and an installation fee that equals several mortgage payments is the only broadband service available to consumers in a market, those consumers are not being offered true broadband. RidgeviewTel has never charged installation fees for our wireless broadband service, and our 1MB download service is priced at less than \$30 per month.

II. Defining Access to Broadband (§ III (B) (2) (¶¶ 23-28))

Similar to our discussion regarding defining broadband capability, a fair and accurate definition of a consumer's access to broadband must be comprised of an analysis of the (1) speed, (2) performance, (3) affordability, and (4) number of broadband providers. For example, RidgeviewTel contends that a consumer in upstate New York whose only option for obtaining access to broadband is through a cellular provider's wireless broadband service, with a base service charge of \$65 a month plus usage charges for any use over and above a 5GB per month threshold, plus the considerable upfront cost of a PC card or some other form of modem, should not be considered to have access to broadband. Further, and as discussed above, the prime time throughput for this service surely has to be taken into account. If average prime time download speeds are less than 1MB, then the FCC must find a methodology for monitoring and reporting network performance. Finally, if there is only one broadband provider in a market (which is providing the minimum speed, good performance, and is affordable), then that market should be defined as underserved.

III. Open Networks (Section § III (C) (5) (¶¶ 47-48))

Section 6001 of the ARRA requires the NTIA, in consultation with the FCC, to promulgate regulations related to the non-discrimination obligations and network management techniques of recipients of BTOP grants. RidgeviewTel strongly urges the FCC to ensure that recipients of these grants are required to adhere to strict non-discrimination and interconnection obligations. Specifically, RidgeviewTel believes that completely open access networks would be in the public interest because new service providers, many of whom currently are unable to raise the capital necessary to construct the middle mile networks

integral to an efficient deployment of broadband to both the unserved and underserved areas, would be able to offer new services at competitive prices. Moreover, should the FCC and NTIA decide not to require recipients to adhere to the aforementioned open access requirements, RidgeviewTel believes that the Commission should urge NTIA to give priority to those applicants who will be constructing open access networks over those applicants seeking to limit competition and avail themselves of monopoly pricing.

IV. Subscribership Data and Mapping (Section § III (E) (1) (¶ 62))

RidgeviewTel believes that any state-wide, region-wide or country-wide broadband mapping project should begin at the community level with a demand aggregation effort. Specifically, we think that the FCC should create a web-based format to solicit information on a community basis regarding the description, availability and cost of broadband services. This information can then be easily contrasted with the statements of the various broadband providers, as well as any other third-party validator that should also be required to report their coverage area and pricing information. Given the millions of dollars allocated to the mapping program, this type of “peer reference” would ensure the ultimate validity of the map. Additionally, by aggregating information from the community level, the map will also provide clarity into where the greatest demand for services which could serve as an effective guide for later rounds of the BTOP grants funding. Finally, a web-based program will allow for a live, continually updated, online and publicly accessible system that will not only allow stakeholders to monitor the success of the BTOP grants, but will also ensure the freshness of the data.

V. Conclusion

RidgeviewTel appreciates the opportunity to provide these comments to the FCC in response to its NOI regarding a national broadband plan for our country, and looks forward to continue to work with the Commission in furtherance of its goals to achieve a national broadband plan.

Respectfully submitted,

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